

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES NATHANIEL DOUSE, JR., )  
Plaintiff, )  
v. )  
ST. LOUIS COUNTY, MISSOURI, )  
Defendant. )  
No. 4:18-CV-1037-RWS

## **MEMORANDUM AND ORDER**

This matter is before the Court upon review of plaintiff's pro se complaint, which the Court construes as a prisoner's civil rights complaint under 42 U.S.C. § 1983. The complaint is signed by James N. Douse, Sr., plaintiff's father.<sup>1</sup> Plaintiff has not signed his complaint.

The complaint is defective for two reasons: (1) it has not been drafted on the Court's form, *see* E.D. Mo. Local Rule 2.06(A); and (2) it is signed by plaintiff's father, James N. Douse, Sr. who resides in Atlanta, Georgia, and who is not licensed to practice law or admitted to practice before this Court.

Because plaintiff is proceeding pro se, the Court will allow plaintiff to file an amended complaint on the Court's form. Plaintiff's complaint must be signed by plaintiff. Mr. Douse, Sr. cannot represent plaintiff in this Court unless he is licensed to

<sup>1</sup> Plaintiff's father has filed previously in this Court, on behalf of his son, a motion for habeas corpus relief under 28 U.S.C. § 2254. *See Douse v. Lewis*, No. 1:18-CV-123-PLC (E.D. Mo. filed Jun. 4, 2018). That case was dismissed for failure to follow Court order. *See id.* at ECF No. 10.

practice law and is either properly granted admission to practice before this Court, pursuant to Local Rule 12.01 or duly admitted pro hac vice to the Court. Mr. Douse, Sr. has been reprimanded previously for filing claims on behalf of his son. *See Douse v. Lewis*, No. 1:18-CV-123-PLC (E.D. Mo. filed Aug. 13, 2018) (ordering that Mr. Douse, Sr. “may not file any additional pleadings, motions or documents with this Court. If he fails to comply with this Court’s Order, he may be found in contempt of Court”). The Court reiterates that Mr. Douse, Sr. may not file additional pleadings, motions, or documents with this Court on behalf of his son without possibly being subject to contempt proceedings.

Additionally, plaintiff is warned that the filing of an amended complaint replaces the original complaint and all previously-filed pleadings, so plaintiff must include each and every one of the claims he wishes to pursue in the amended complaint. *See, e.g., In re Wireless Tel. Fed Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint, supplements, or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.*

If plaintiff fails to file an amended complaint on the Court’s form within twenty-one days and in compliance with the Court’s instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk is directed to mail to plaintiff a copy of the Court’s prisoner civil rights complaint form.

**IT IS FURTHER ORDERED** that plaintiff must file an amended complaint, signed by plaintiff personally, on the Court's form within twenty-one (21) days of the date of this Memorandum and Order.

**IT IS FURTHER ORDERED** that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice.

Dated this 26th day of October, 2018.

Rodney W. Sippel  
RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE